

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11193-NG

SHAWN DRUMGOLD,)
Plaintiff)
)
v.)
)
TIMOTHY CALLAHAN, et. al.,)
Defendants)
)

DEFENDANTS', CITY OF BOSTON AND FRANCIS M. ROACHE,
PROPOSED DISCOVERY SCHEDULE

NOW COME DEFENDANTS the City of Boston (the "City") and Francis M. Roache ("Roache"), parties in the above-entitled civil action through their counsel pursuant to United States District Court Local Rules 16.1(e) and (f), 16.3(a) and this Court's request hereby respectfully submit the following proposed discovery schedule for the Court's review.

A. Preliminary Discovery Matters to be Resolved

1. Filing of Motion to Bifurcate Discovery regarding individual liability and municipal liability and Motion to Bifurcate Trial regarding individual liability and municipal liability on or about July 22, 2005;
2. Filing of plaintiff's opposition to the above-referenced motion for bifurcation on or about August 12, 2005;

Should this Honorable Court bifurcate discovery regarding the plaintiff's allegations of municipal liability from the allegations of individual liability, the City and Roache respectfully suggest that any discovery on that claim begin after the conclusion of the trial pertaining to matters of individual liability (Phase I). Please find the following suggested Phase I Discovery Schedule:

B. Discovery Schedule – Phase I

1. All initial disclosures pursuant to Fed.R.Civ.P. 26(A) to be made on or about September 30, 2005;
2. All motions to dismiss to be filed on or about November 4, 2005;
3. All expert disclosures pursuant to Fed.R.Civ.P. 26(A)2 made on or about March 3, 2006;
4. Discovery completed (all depositions, interrogatories and document requests) on or about June 30, 2006;
5. All motions pursuant to Fed.R.Civ.P. 56 requesting summary judgment to be filed on or about August 4, 2006; and
6. Final Pretrial Conference on or about September 8, 2006;

If the plaintiff prevails at the first trial and decides to further pursue his claim alleging municipal liability, then a second case management conference would be necessary to efficiently direct the parties through this second phase (Phase II). By the end of the trial on individual liability a considerable amount of discovery already would have been made available.

Furthermore, if the plaintiff seeks to discover information from some or any of the cases cited by him in his complaint, then those files, which are of potentially titanic proportions spanning over fifteen years, would need to be retrieved, reviewed, and made available to the plaintiff for review and/or duplication. Additional depositions would likely need to be conducted as a result of any additional production of documents.

If, in the alternative, this Honorable Court decides not to bifurcate discovery and require discovery of the municipal liability claim contemporaneous to the individual liability claim, then additional time will be needed to accommodate the production of documents and examination of witnesses by all parties. Please find below a suggested schedule for discovery should bifurcation of discovery not be granted:

C. Alternate Discovery Schedule (If No Bifurcation)

1. Initial disclosures by plaintiff and individual defendants pursuant to Fed.R.Civ.P. 26(A) to be made on or about September 30, 2005;
2. Initial disclosures by municipal defendant pursuant to Fed.R.Civ.P. 26(A) to be made on or about December 2, 2005;
2. All motions to dismiss to be filed on or about January 6, 2006;
3. All expert disclosures pursuant to Fed.R.Civ.P. 26(A)2 made on or about June 30, 2006;
4. Discovery completed (all depositions, interrogatories and document requests) on or about December 8, 2006;
5. All motions pursuant to Fed.R.Civ.P. 56 requesting summary judgment to be filed on or about January 9, 2007; and
6. Final Pretrial Conference on or about February 12, 2007;
7. Trial on or about March 19, 2007.

Respectfully submitted,
By Defendants City of Boston and
Francis M. Roache
Through their attorneys,

/s/ John P. Roache
John P. Roache (BBO# 421680)
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Date: July 1, 2005

CERTIFICATE OF SERVICE

I, John P. Roache, hereby certify that on this 1st day of July, 2005, I have served a copy of the foregoing DEFENDANTS', CITY OF BOSTON AND FRANCIS M. ROACHE, PROPOSED DISCOVERY SCHEDULE, where unable to do so electronically, via U.S. first class mail, postage prepaid, as follows:

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//s// John P. Roache
John P. Roache (BBO# 421680)